

Kershnar v. Kolison
Motion for Preliminary Injunction

Decl. Adam Steinbaugh

EXHIBIT 23



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Faculty Letter in Support of Stephen Kershna, February 4, 2022



Note: The below letter was sent to SUNY Fredonia President Stephen Kolson on February 4, 2022, and FIRE invites additional faculty to add their names to the list of signers. Titles are for identification purposes only. Faculty who are interested in joining this letter may email facultyoutreach@thefire.org.

Dear President Kolson,

We understand that some have called for Stephen Kershna to be fired from his position as professor of philosophy at the State University of New York at Fredonia because of his appearance on a philosophy video podcast where he discussed some of his scholarly work on the ethics of human sexuality, including sexual activity between adults and children. After initially announcing that the matter was "being reviewed," you have now announced that Professor Kershna has been barred from campus or from contacting students during a university investigation of "this situation," that is "the matter involving one of our professors interviewed in a widely shared video podcast."

Such a suspension from his normal academic duties – let alone any further disciplinary action including his potential termination – is contrary to basic academic freedom principles which SUNY-Fredonia has explicitly recognized as governing its own relationship to the members of its faculty.

It is unquestionably true that Professor Kershna was discussing extremely sensitive topics during this interview (though his views have been widely misrepresented – he argues, for example, that pedophilia should in fact be illegal), just as he discusses such sensitive topics in applied ethics in his research and teaching. Many scholars and members of the public will no doubt disagree with his arguments and his conclusions, and some might find any discussion of these issues at all to be disturbing.

But academic freedom protects Professor Kershna in discussing those topics, offering those arguments, and reaching those conclusions, regardless of whether we agree with them or not. Sanctioning Professor Kershna for the ideas he expressed in an hour-long serious discussion on the respected philosophy podcast "Brain in a Vat" attacks the very heart of the academic enterprise.

Although you have described the video podcast as "widely shared," in fact the podcast in which Professor Kershna discussed arguments on ethical issues relating to sexual contact with children has *not* been widely viewed. What has been widely shared is a brief clip from the podcast. Universities should be places where scholars can safely engage in the task of carefully thinking through the logic and implications of arguments about ethical human behavior, and that is what Professor Kershna and his interlocutors do in this podcast. Society will be impoverished if such inquiries cannot take place and if ideas about morality are suppressed and censored because they are unpopular or offend the sensibilities of the broader public. If Professor Kershna's ideas are wrong, then we all benefit from seeing those errors exposed through intellectual engagement.

The tradition of Western philosophy famously begins with the example of Socrates being silenced and put to death for asking questions and pursuing arguments that his fellow citizens found discomfiting. The philosophical enterprise – and indeed the scholarly enterprise broadly –

examines the freedom to ask uncomfortable questions and explore unpopular arguments.

Universities forsake their central mission if they yield to popular demands that dissident scholars be driven from campus.

Academic freedom will be an empty promise if university officials are not willing to defend a member of the faculty targeted for public outrage for the crime of expressing his thoughts. Firing or otherwise sanctioning Professor Kershnar for his views will send a message to others at SUNY-Fredonia and elsewhere that it is risky for scholars to pursue their profession and share their expertise with the public. Scholars pursuing any research topic that might be controversial will learn that free inquiry and honest discussion should be avoided if they value their careers.

Sincerely,

1. Keith E. Whittington, William Nelson Cromwell Professor of Politics, Princeton University
2. Jonathan H. Adler, Johan Verheij Memorial Professor of Law, Case Western Reserve University
3. Roger L. Albin, MD, Anne B. Young Collegiate Professor of Neurology, University of Michigan
4. Jason Aleksander, Professor of Philosophy and Associate Dean of Faculty Success and Research, College of Humanities and the Arts, San José State University
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